

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 5283.01	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/25826	International filing date (<i>day/month/year</i>) 21 SEPTEMBER 2000	Priority date (<i>day/month/year</i>) 21 SEPTEMBER 1999
International Patent Classification (IPC) or national classification and IPC IPC(7): H04N 7/173 and US Cl.: 725/31		
Applicant DISCOVERY COMMUNICATIONS, INC.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>15</u> sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step or industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input checked="" type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 20 APRIL 2001	Date of completion of this report 21 FEBRUARY 2002
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer CHRISTOPHER GRANT
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/25826

I. Basis of the report**1. With regard to the elements of the international application:***☐ the international application as originally filed☒ the description:

pages (See Attached) _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the claims:

pages (See Attached) _____, as originally filed
pages _____, as amended (together with any statement) under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the drawings:

pages (See Attached) _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the sequence listing part of the description:

pages (See Attached) _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

☒ the description, pages NONE
☒ the claims, Nos. NONE
☒ the drawings, sheets/fig NONE

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)	Claims	<u>1-189</u>	YES
	Claims	<u>NONE</u>	NO
Inventive Step (IS)	Claims	<u>NONE</u>	YES
	Claims	<u>1-189</u>	NO
Industrial Applicability (IA)	Claims	<u>1-189</u>	YES
	Claims	<u>NONE</u>	NO

2. citations and explanations (Rule 70.7)

Claims 1-189 lack an inventive step under PCT Article 33(3) as being obvious over Hendricks (WO 95 15649) in view of Barney et al. (US 5,341,426) and Wreford-Howard.

Considering claims 1, 130 and 144, Hendricks discloses a method and corresponding apparatus for encrypting electronic books for delivery between two or more parties and comprising:

- a) supplying electronic book (pages 6-8);
- b) supplying encrypted electronic book (see the entire document including but not limited to page 8, lines 32-34, page 10, lines 9-14, page 11, lines 3-11, figures 3 & 4);
- c) decrypting the encrypted electronic book (page 19, line 30 and figure 12, step 832); and wherein
- d) the electronic book is delivered to a second party (262 or 266) from a first party (208 or 250).

However, Hendricks fails to specifically disclose encrypting and decrypting keys and verifying that the second party received the electronic book as recited in the claims.

Barney discloses various types of encryption and decryption keys and techniques for providing secure communication between a central facility and terminals. See the entire document including but not limited to figures 1-3 and the corresponding text.

Wreford-Howard discloses transmitting data to a second party from a first party and verifying that the second party received the data for the advantage of ensuring that the second party received the data. See column 1, lines 5-10 and column 2, lines 5-27.

It would have been obvious to one of ordinary skill in the art to modify Hendricks' system to include encryption and decryption keys, as taught by Barney, for the advantage of providing secure communication between a central facility and terminals.

Additionally, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Hendricks and Barney to include verifying that the second party received data such as an electronic book, as taught by Wreford-Howard, for the (Continued on Supplemental Sheet.)

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VI. Certain documents cited

1. Certain published documents (Rule 70.10)

<u>Application No. Patent No.</u>	<u>Publication Date (day/month/year)</u>	<u>Filing Date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
US 6,052,717 A	18 APRIL 2000	23 OCTOBER 1996	
US 6,034,680 A	07 MARCH 2000	30 APRIL 1997	25 APRIL 1997

2. Non-written disclosures (Rule 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>
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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient).

Continuation of: Boxes I - VIII

Sheet 10

I. BASIS OF REPORT:

This report has been drawn on the basis of the description,
page(s) 1-110 , as originally filed.
page(s) NONE, filed with the demand.
and additional amendments:
NONE

This report has been drawn on the basis of the claims,
page(s) 113, 117-119, 123-124, 127, 129-131, 135-138, 140 as originally filed.
page(s) NONE, as amended under Article 19.
page(s) NONE, filed with the demand.
and additional amendments:
Pages 111, 112, 114-116, 120-122, 125-126, 128, 132-134 and 139, filed with the letter of 02 January 2002

This report has been drawn on the basis of the drawings,
page(s) 1-55 , as originally filed.
page(s) NONE, filed with the demand.
and additional amendments:
NONE

This report has been drawn on the basis of the sequence listing part of the description:
page(s) NONE, as originally filed.
pages(s) NONE, filed with the demand.
and additional amendments:
NONE

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):
advantage of ensuring that the second party received the data transmitted from a source.

Claims 2-129, 131-143 and 145-189 are met by the combined systems of Hendricks and Barney, wherein Hendricks discloses the detail features of the electronic book and Barney discloses the details and various types of encryption/decryption techniques.

NEW CITATIONS

WO 95 15649 A (HENDRICKS et al.) 08 June 1995, whole document
US 5,341,426 A (BARNEY et al.) 23 August 1994, figures 1-3
US 4,673,976 A (WREFORD-HOWARD) 16 June 1987, columns 1-2

(see 284)
(see 337)